

Exhibit 5

DECLARATION OF DR. BRUCE M. MCCLLENATHAN

I, Bruce M. McClenathan, hereby state and declare as follows:

1. I am a regional medical director of the Defense Health Agency-Immunization Healthcare Division (DHA-IHD) stationed at Fort Bragg, North Carolina. During the development of the Novavax NVX-CoV2373 vaccine, I was a member of the DHA and Preventive Medicine Services' COVID-19 Vaccine Implementation Plan Team.

2. I am generally aware of the allegations set forth in the pleadings filed in this matter. I make this declaration in my official capacity as DHA-IHD regional director and based upon my personal knowledge and upon information that has been provided to me in the course of my official duties.

3. Attached as Exhibit A is a true and correct copy of the memorandum, titled "Novavax COVID-19 Vaccine (NVX-CoV2373)-Information on Fetal Cell/Fetal Tissue," that I received from Dr. Gale Smith, PhD, Senior Vice President for Discovery and Pre-clinical Research, and Chief Scientist at Novavax, on or about 12 January 2022 in the course of my work on the COVID-19 Vaccine Implementation Plan Team.

4. Novavax is available across the Department of Defense.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 5th day of August 2022.

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BRUCE M. MCCLLENATHAN
Regional Director
Immunization Healthcare Division

Exhibit A



Novavax COVID-19 Vaccine (NVX-CoV2373)-Information on Fetal Cell/Fetal Tissue

Novavax Medical Information is providing you this information in response to your request for medical information. You requested information regarding the use of fetal tissue or fetal cell lines in the development, confirmation, or production stages of the Novavax COVID-19 vaccine (NVX-CoV2373).

Novavax COVID-19 Vaccine Development

Novavax' NVX-CoV2373 vaccine is a recombinant protein vaccine, comprised of the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) spike glycoproteins and a saponin based Matrix-M adjuvant.² The Novavax NVX-CoV2373 is produced in insect cells, not mammalian cells.

A genetic sequence for the coronavirus spike protein is cloned into the baculovirus and then infects the Sf9 insect cells to produce the spike protein antigen that is subsequently purified by filtration and chromatography. The saponin based Matrix-M adjuvant is based on the Quillaja saponaria Molina bark together with cholesterol and phospholipids. The adjuvant is designed to increase the immune response to the rSARS-CoV-2 protein.²

Animal or fetal-derived cell lines/tissue are not used in the manufacturing, testing, or production of the Novavax COVID-19 vaccine (NVX-CoV2373) administered in the clinical trials.

In early development, pre-clinical evaluation was conducted to compare the structural integrity of the SARS-CoV-2 spike protein produced in the Sf9 insect cells versus the spike protein produced in the mammalian immortalized human embryonic kidney HEK 293F cells. The comparison determined the Sf9 cell technology produced spike proteins that were comparable in structural integrity as the spike proteins produced in the HEK 293F cell.⁴ These pre-clinical experiments were conducted using purified SARS CoV-2 spike protein produced by a vendor separate from Novavax in a facility separate from where NVX-CoV2373 is manufactured and the assays did not employ fetal cells or tissues. Thus, no fetal cells or tissues are utilized at any time during the production or testing of NVX-CoV2373.

REFERENCE(S):

1. Hu J, Han J, Li H, et al. Human Embryonic Kidney 293 Cells: A Vehicle for Biopharmaceutical Manufacturing, Structural Biology, and Electrophysiology. *Cells Tissues Organs*. 2018;205(1):1-8. doi: 10.1159/000485501. Epub 2018 Feb 1. PMID: 29393161.

Creating tomorrow's vaccines today.



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2. Recombinant Nanoparticle Vaccine Technology. Novavax.
<https://www.novavax.com/our-unique-technology#recombinant-nanoparticle-vaccine-technology>. Accessed December 18, 2020.
3. Data on File (1). Novavax, Inc., 2021.
4. Bangaru S, Ozorowski G, Turner HL, et al. Structural Analysis of Full-Length SARS-CoV-2 Spike Protein From an Advanced Vaccine Candidate. *Science*. 2020 Nov 27;370(6520):1089-1094. doi: 10.1126/science.abe1502. Epub 2020 Oct 20. PMID: 33082295.



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